

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR06-440-JCC
)
Plaintiff,)
)
v.)
) DETENTION ORDER - Material Witness
ALBERT BARRIENTES, et al,)
)
Defendant.)
_____)
In re Material Witness:)
)
SAMSON MENDIOLA.)
_____)

Offense charged:

Material Witness

Date of Detention Hearing: February 13, 2007

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f) and 3144, and based upon the factual findings and statement of reasons hereafter set forth, finds that detention is necessary to adequately secure the testimony of the material witness, and to prevent a failure of justice.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Mr. Mendiola was arrested on a material witness warrant in the matter of US v Albert Barrientes, et al, CR06-440-JCC, upon a finding that it was impracticable to secure his presence by subpoena. He made his initial appearance in this Court on February 9, 2007.

(2) The United States has moved to detain Mr. Mendiola pursuant to 18 U.S.C. §3144 for a reasonable period until his deposition can be taken pursuant to the Federal Rules of Criminal Procedure.

(3) The defendant's criminal history includes a number of failures to appear, with at least one active bench warrant. He failed to appear after being subpoenaed to testify before the Grand Jury and efforts to serve him with a second subpoena were unsuccessful. He allegedly admitted to evading service.

(4) The material witness poses a risk of nonappearance based on his history of failure to appear, the outstanding warrant, and efforts to evade service of process.

(5) The court finds that further detention is necessary to prevent a failure of justice. The material witness will be detained until his testimony can adequately be secured.

It is therefore ORDERED:

(1) Defendant shall be detained pending the taking of his testimony and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

01 (3) On order of a court of the United States or on request of an attorney for the
02 Government, the person in charge of the corrections facility in which defendant is
03 confined shall deliver the material witness to a United States Marshal for the
04 purpose of an appearance in connection with a court proceeding or for providing
05 testimony in connection with a case pending in this court; and

06 (4) The clerk shall direct copies of this Order to counsel for the United States, to
07 counsel for the material witness, to the United States Marshal, and to the United
08 States Pretrial Services Officer.

09 DATED this 13th day of February, 2007.

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11 Mary Alice Theiler
12 United States Magistrate Judge
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